

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA    )  
                                          )  
vs.                                    )     NO. 04-30034-MAP  
                                          )  
MICHAEL CROOKER                )

**DEFENDANT MOTION FOR RETURN OF PROPERTY**  
**FEDERAL RULES CRIM. PROC. RULE 41(e)**

Now comes Michael Crooker, by and through counsel, and moves this Honorable Court for an order pursuant to Federal Rules Rule 41(e), directing the return of his property seized on or about June 23, 2004 one Compaq Computer.

And as his basis, therefore, asserts the following;

On June 23, 2004 the defendant's residence was searched and certain items of evidence were seized under authorization of the warrant granting permission to search the residence.

The defendant's home computer, and all file image documents held therein, was seized as a result of the execution of the warrant. The defendant's Compaq Computer was not particularly described as seizable under this warrant.

A second search warrant was issued by this court on July 2, 2004 permitting the Government to perform a forensic search of the computer's hard drive.

Upon information and belief the forensic search of the computer has terminated and no further execution of this warrant is presently contemplated.

Counsel for the defendant requested the Government return the defendant's property in October 2004 and the Government has refused.

The defendant has been unduly deprived of his property for over eighteen months, in violation of his rights under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

WHEREFORE, the defendant moves this Honorable Court for a order directing the return of his property.

Respectfully submitted,

THE DEFENDANT

BY: /s/ Vincent A. Bongiorni  
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CERTIFICATE OF SERVICE

I, Vincent A. Bongiorni, Esq., do hereby certify that I have served a copy of the foregoing to the Assistant United States Attorney, Kevin O'Regan, United States District Court, 1550 Main Street, Springfield, MA. 01103 this 13 day of January 2006.

/s/ Vincent A. Bongiorni